

## SENATE BILL No. 2

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-43-5.

**Synopsis:** Identity deception. Provides that a person commits the crime of identity deception, a Class D felony, if the person knowingly or intentionally obtains, possesses, transfers, or uses the identifying information of another person: (1) without the other person's consent; and (2) with intent to harm or defraud another person.

**Effective:** July 1, 2001.

**Lutz L**

January 8, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 2

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-43-5-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The definitions  
3 set forth in this section apply throughout this chapter.  
4 (b) "Claim statement" means an insurance policy, a document or  
5 statement made in support of a claim for payment or other benefit  
6 under an insurance policy, or other evidence of expense, injury, or loss.  
7 The term includes statements made orally, in writing, or as a computer  
8 generated document, including the following:  
9 (1) An account.  
10 (2) A bill for services.  
11 (3) A bill of lading.  
12 (4) A claim.  
13 (5) A diagnosis.  
14 (6) An estimate of property damages.  
15 (7) A hospital record.  
16 (8) An invoice.  
17 (9) A notice.



(10) A proof of loss.

(11) A receipt for payment.

(12) A physician's records.

(13) A prescription.

(14) A statement.

(15) A test result.

(16) X-rays.

(c) "Coin machine" means a coin box, vending machine, or other mechanical or electronic device or receptacle designed:

(1) to receive a coin, bill, or token made for that purpose; and

(2) in return for the insertion or deposit of a coin, bill, or token automatically:

(A) to offer, provide, or assist in providing; or

(B) to permit the acquisition of;

some property.

(d) "Credit card" means an instrument or device (whether known as a credit card or charge plate, or by any other name) issued by an issuer for use by or on behalf of the credit card holder in obtaining property.

(e) "Credit card holder" means the person to whom or for whose benefit the credit card is issued by an issuer.

(f) "Customer" means a person who receives or has contracted for a utility service.

(g) "Entrusted" means held in a fiduciary capacity or placed in charge of a person engaged in the business of transporting, storing, lending on, or otherwise holding property of others.

**(h) "Identifying information" means information that identifies an individual, including an individual's:**

**(1) name, date of birth, Social Security number, or any other identification number issued by a governmental entity;**

**(2) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;**

**(3) unique electronic identification number, address, or routing code;**

**(4) telecommunication identifying information; or**

**(5) telecommunication access device, including a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service or device or means of account access that may be used to:**

**(A) obtain money, goods, services, or any other thing of value; or**

**(B) initiate a transfer of funds.**



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(i) "Insurance policy" includes the following:

(1) An insurance policy.

(2) A contract with a health maintenance organization (as defined in IC 27-13-1-19).

(3) An administrator contract entered into under IC 27-1-25.

~~(i)~~ (j) "Insurer" has the meaning set forth in IC 27-1-2-3(x).

~~(j)~~ (k) "Manufacturer" means a person who manufactures a recording. The term does not include a person who manufactures a medium upon which sounds or visual images can be recorded or stored.

~~(k)~~ (l) "Make" means to draw, prepare, complete, or alter any written instrument in whole or in part.

~~(l)~~ (m) "Metering device" means a mechanism or system used by a utility to measure or record the quantity of services received by a customer.

~~(m)~~ (n) "Public relief or assistance" means any payment made, service rendered, hospitalization provided, or other benefit extended to a person by a governmental entity from public funds and includes poor relief, food stamps, direct relief, unemployment compensation, and any other form of support or aid.

~~(n)~~ (o) "Recording" means a tangible medium upon which sounds or visual images are recorded or stored. The term includes the following:

(1) An original:

(A) phonograph record;

(B) compact disc;

(C) wire;

(D) tape;

(E) audio cassette;

(F) video cassette; or

(G) film.

(2) Any other medium on which sounds or visual images are or can be recorded or otherwise stored.

(3) A copy or reproduction of an item in subdivision (1) or (2) that duplicates an original recording in whole or in part.

~~(o)~~ (p) "Slug" means an article or object that is capable of being deposited in a coin machine as an improper substitute for a genuine coin, bill, or token.

~~(p)~~ (q) "Utility" means a person who owns or operates, for public use, any plant, equipment, property, franchise, or license for the production, storage, transmission, sale, or delivery of electricity, water, steam, telecommunications, information, or gas.

~~(q)~~ (r) "Written instrument" means a paper, document, or other

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1 instrument containing written matter and includes money, coins,  
2 tokens, stamps, seals, credit cards, badges, trademarks, medals, or other  
3 objects or symbols of value, right, privilege, or identification.

4 SECTION 2. IC 35-43-5-3.5 IS ADDED TO THE INDIANA CODE  
5 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
6 1, 2001]: **Sec. 3.5. A person who knowingly or intentionally obtains,**  
7 **possesses, transfers, or uses the identifying information of another**  
8 **person:**

9 (1) without the other person's consent; and

10 (2) with intent to harm or defraud another person;  
11 commits identity deception, a Class D felony.

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